

**MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**  
ATTORNEYS AT LAW

THREE GATEWAY CENTER  
100 MULBERRY STREET  
NEWARK, NEW JERSEY 07102-4079  
(973) 622-7711  
FACSIMILE (973) 622-5314

COLLEEN M. DUFFY  
Direct Dial (973) 685-2077  
cduffy@mdmc-law.com

January 13, 2009

**VIA FACSIMILE and U.S. MAIL**

Honorable Esther Sala:  
United States Magistrate Judge  
Martin Luther King, Jr. Federal Building and Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Re: **The Guardian Life Insurance Company of  
America v. Robert F. Hartnett  
Civil Action No. 08-2698 (JLL)**

Dear Judge Salas:

This firm represents plaintiffs, The Guardian Life Insurance Company of America, Guardian Insurance & Annuity Company, and Park Avenue Securities, LLC, in the above action.

A Rule 16 Conference is scheduled before Your Honor on January 12, 2009. We respectfully request that the Conference be adjourned as the parties have agreed to a settlement of this matter. Counsel are in the process of memorializing the settlement in a written Settlement Agreement which is expected to be completed soon. Upon its execution, we will promptly file a Stipulation of Dismissal with the Court.

Respectfully submitted,

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

*Colleen M. Duffy*  
Colleen M. Duffy

CMD\gt

cc: Stephen J. Steinlight, Esq. (via facsimile and reg. mail)

*So Ordered:*

*[Signature]*  
1/14/09